

Las Cruces Sun News – March 14, 2010

By Walt Rubel Sun-News managing editor

On the morning of Aug. 31, 2003, a group of target shooters in the desert near the old city dump east of Las Cruces stumbled upon a horrific discovery - the body of 22-year-old New Mexico State student Katie Sepich of Carlsbad.

The autopsy report determined that she had been sexually assaulted and strangled to death. She was nude from the waste down, and her body had been partially burned. Suspicion immediately focused on her boyfriend, who Sepich had reportedly argued with at a party the night before. But DNA tests proved his innocence.

Sheriff's officers took hundreds of calls and followed just as many leads. The case earned national attention. But it wasn't until December 2006 that they got the break they needed. Gabriel Avila, who was serving time in a Los Lunas prison on unrelated charges, was required by his conviction to give a DNA sample. Avila's DNA matched that found at the crime scene, and he later confessed to the brutal murder.

Months earlier, during the legislative session of 2006, Katie's parents, Dave and Jayann Sepich, worked with state Sens. Mary Kay Papen, D-Las Cruces, and Vernon Asbill, R-Carlsbad, and state Rep. John Heaton, D-Carlsbad, to pass Katie's Law. The bill required those arrested for violent crimes to provide a DNA sample at the time of arrest, which would be stored in a database and compared with DNA evidence found at future crime scenes. Previously, DNA had only been collected upon conviction.

That may sound like a simple bill to pass, but it wasn't. Concerns were raised about privacy rights and ensuring that names would be removed from the database if the person arrested was later found to be not guilty. Wearing buttons with photos of Katie, Dave and Jayann were at the Roundhouse every day. Their persistence paid off, and the bill was passed.

Following their success in New Mexico, Dave and Jayann began contacting lawmakers in other states. Katie's Law has thus far been passed in 21 states and now is being considered on the federal level. HR 4614, sponsored by U.S. Rep. Harry Teague, D-NM, along with Adam Schiff of California and Dave Reichert of Washington, would make Katie's Law apply in all 50 states. A briefing on the bill was held earlier this month in Washington, D.C.

Civil libertarians may blanch at the thought of another federal database. I appreciate those concerns. But the booking process already requires those arrested to submit to a mug shot and fingerprints to be used for future identification. Including a DNA sample simply modernizes the process.

It's important to remember that DNA evidence can exonerate the innocent just as effectively as it can identify the guilty. Both Katie's boyfriend and a suspect from Wisconsin were cleared as a result of DNA evidence. It simply makes sense to give investigators access to technology that can reduce false arrests while getting violent criminals off the streets more quickly.

